

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARK A. SCOTT,

Plaintiff,

v.

DAVID CASTILLO, et al.,

Defendants.

No. 1:20-cv-00598 ADA GSA (PC)

ORDER DIRECTING PARTIES TO  
COMPLETE AND FILE NEW ORDER RE:  
CONSENT OR REQUEST FOR  
REASSIGNMENT FORMS BY **DECEMBER  
22, 2023**

ORDER VACATING CURRENTLY  
CALENDARED TRIAL DATES

(ECF Nos. 45, 50)

Plaintiff, a state prisoner proceeding pro se and in forma pauperis, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

This case is currently at the pretrial phase of the proceedings. See ECF No. 45 (Second Scheduling Order). For the reasons stated below, the parties will again be given the option of consenting to the jurisdiction of a magistrate judge to preside over the trial. In addition, the currently calendared trial date will be vacated.

I. BACKGROUND

This case has been on the Court's docket since April 2020. See ECF No. 1 (Plaintiff's Complaint). Over three years later, in June 2023, the matter reached the pretrial phase of the

proceedings, and a jury trial has been set for January 30, 2024, before now former District Judge Ana de Alba. See ECF No. 45 at 5 (Second Scheduling Order issued June 9, 2023). Both parties have filed their pretrial statements (see ECF Nos. 49, 53), indicating that they are ready for trial. In addition to the upcoming trial date in January 2024, a pretrial conference is currently calendared for December 18, 2023. See ECF No. 50.

## II. DISCUSSION

Recently, presiding District Judge de Alba was elevated to serve on the Ninth Circuit Court of Appeal. As a result, currently no district judge is assigned to this matter. Moreover, it has yet to be determined when a new district judge will be assigned to this action.

In light of these facts, the currently calendared pretrial conference and trial dates will be vacated. In addition, in an attempt to move this matter expeditiously toward final resolution, the parties are reminded of their ability to consent to a magistrate judge to preside over these proceedings. See 28 U.S.C. § 636(c)(1) (stating parties may consent to a full time magistrate judge conducting any or all proceedings in a jury or non jury civil matter). The Clerk of Court will therefore be directed to resend consent / decline forms to the parties, and they will be given thirty days to return them to the Court.

Accordingly, IT IS HEREBY ORDERED that:

1. The Clerk of Court shall send the parties new copies of this Court's Order Re: Consent or Request for Reassignment form;
2. The parties shall complete and file the Order Re: Consent form by **December 22, 2023**, and
3. The pretrial conference now scheduled for December 18, 2023 (see ECF No. 50), and the jury trial date scheduled for January 30, 2024 (see ECF No. 45 at 5), are VACATED.

IT IS SO ORDERED.

Dated: **November 21, 2023**

**/s/ Gary S. Austin**  
UNITED STATES MAGISTRATE JUDGE